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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/896,171	06/29/2001	John R. Mruz	A30904-070378.0107	7430
21003	7590	01/30/2004	EXAMINER	
BAKER & BOTTS 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			LEE, BENNY T	
			ART UNIT	PAPER NUMBER

2817

DATE MAILED: 01/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



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09/896,171

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATT RNEY DOCKET NO.

EXAMINER	
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DATE MAILED:

This is a communication from the examiner in charge of your application.  
COMMISSIONER OF PATENTS AND TRADEMARKS

- ☐ This application has been examined ☒ Responsive to communication filed on 8 Oct 2003 ☐ This action is made final.

A shortened statutory period for response to this action is set to expire Two (2) month(s), 08/23 from the date of this letter.  
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- |  |   |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited by Examiner, PTO-892.       | 2. <input type="checkbox"/> Notice re Patent Drawing, PTO-948.                  |
| 3. <input type="checkbox"/> Notice of Art Cited by Applicant, PTO-1449             | 4. <input type="checkbox"/> Notice of Informal Patent Application, Form PTO-152 |
| 5. <input type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474 | 6. <input type="checkbox"/> _____   |

Part II SUMMARY OF ACTION

1. ☒ Claims 1, 2, 3 are pending in the application.  
Of the above, claims \_\_\_\_\_ are withdrawn from consideration.
2. ☐ Claims \_\_\_\_\_ have been cancelled.
3. ☒ Claims 1, 2, 3 are allowed.
4. ☐ Claims \_\_\_\_\_ are rejected.
5. ☐ Claims \_\_\_\_\_ are objected to.
6. ☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.
7. ☐ This application has been filed with informal drawings which are acceptable for examination purposes until such time as allowable subject matter is indicated.
8. ☐ Allowable subject matter having been indicated, formal drawings are required in response to this Office action.
9. ☐ The corrected or substitute drawings have been received on \_\_\_\_\_. These drawings are: ☐ acceptable;  
☐ not acceptable (see explanation).
10. ☐ The ☐ proposed drawing correction and/or the ☐ proposed additional or substitute sheet(s) of drawings, filed on \_\_\_\_\_ has (have) been ☐ approved by the examiner, ☐ disapproved by the examiner (see explanation).
11. ☐ The proposed drawing correction, filed \_\_\_\_\_, has been ☐ approved. ☐ disapproved (see explanation). However, the Patent and Trademark Office no longer makes drawing changes. It is now applicant's responsibility to ensure that the drawings are corrected. Corrections **MUST** be effected in accordance with the instructions set forth on the attached letter "INFORMATION ON HOW TO EFFECT DRAWING CHANGES", PTO-1474.
12. ☐ Acknowledgment is made of the claim for priority under 35 U.S.C. 119. The certified copy has ☐ been received ☐ not been received  
☐ been filed in parent application, serial no. \_\_\_\_\_; filed on \_\_\_\_\_
13. ☒ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
14. ☐ Other

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### **DETAILED ACTION**

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8 October 2003 has been entered.

Applicant's arguments with respect to claims 1, 2, 3 rejected on 35 USC 112, first paragraph and 35 USC 102(b) grounds have been considered and found persuasive to overcome these rejections.

The declaration under 37 CFR 1.132 filed 19 August 2003 is sufficient to overcome the rejection of claims 1-3 based upon the rejections under 35 USC 112, first paragraph & 35 USC 102(b) to Kim et al.

This application is in condition for allowance except for the following formal matters:

#### **In the Specification:**

The disclosure is objected to because of the following informalities: In replacement paragraph [0019], seventh & eighth lines therein, note that "16" should be rewritten as --16A-16D-- at each occurrence. In replacement paragraph [0023], third & fourth lines therein, note that the description "...output ports 35A, 35B, 35C and 35D connect inner conductor 36 selectively to one or more output ports 35A-35D" is vague in meaning and needs clarification (i.e. how can an element connect something to itself?). In replacement paragraph [0024], first

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line therein, note that "single output port 35A-D" should be rephrased as --one of output ports 35A-35D--. In replacement paragraph [0025], sixth line therein, note that "34" should properly be --34A-34D-- and should --52-- follow "solenoids"? In replacement paragraph [0031], second line therein, note that "34" should properly be --34A-34D--; fourth line therein, note that --(see Fig. 6)-- should follow "48" for clarity, seventh line therein, note that --as shown in Fig. 7-- should follow "switch" and "A" should be rephrased as --As best shown in Fig. 6, a--, respectively for clarity of description. In replacement paragraph [0034], third line therein, note that "16A-D" should be rephrased as --16A-16D--; fourth line therein, note that "16" should properly be --16A-16D--; fifth line therein, should "power divider 14" correctly be --power divider 32-- and should "power combiner 18" correctly be --power combiner 32'--, respectively such as to be consistent with "figure 8". In figs. 4,5, applicants' should review the description of those drawings to make sure that all labeled elements therein have been correspondingly described. Also, reference labels (44, 50) need to be described relative to fig. 7. Appropriate correction is required.

**In the Drawings:**

The drawings are objected to because in Figs. 6 & 7, note that "mechanical rest 40" needs to be depicted such as to be consistent with the description in replacement paragraph [0025]. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

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**In the Claims:**

In claim 2, lines 2, 4, note that "RE" should correctly be --RF--.

Prosecution on the merits is closed in accordance with the practice under *Ex parte*  
*Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS**  
from the mailing date of this letter.

Claims 1, 2, 3 are allowable over the prior art of record.

Any inquiry concerning this communication or earlier communications from the examiner  
should be directed to Benny Lee whose telephone number is (571) 272 1764.



BENNY T. LEE  
PRIMARY EXAMINER  
ART UNIT 2817

B. Lee

January 23, 2004